

District Judge Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RAST SERVANI, *et al.*,

Plaintiffs,

v.

ALEJANDRO MAYORKAS, *et al.*,

Defendants.

Case No. 3:24-cv-05767-BHS

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND
ORDER

Noted for Consideration:
November 7, 2024

Plaintiffs and Defendants, by and through their counsel of record, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby jointly stipulate and move to stay these proceedings until May 13, 2025. Plaintiffs brought this litigation pursuant to the Administrative Procedure Act and Mandamus Act seeking, *inter alia*, to compel the U.S. Citizenship and Immigration Services (“USCIS”) adjudicate their Forms I-589, Applications for Asylum and for Withholding of Removal. Defendants’ response to the Complaint is currently due on November 25, 2024. The parties are currently working towards a resolution to this litigation. For good cause, the parties request that the Court hold the case in abeyance until May 13, 2025.

1 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706
2 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to
3 control the disposition of the causes on its docket with economy of time and effort for itself, for
4 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ.
5 P. 1.

6 With additional time, this case may be resolved without the need of further judicial
7 intervention. USCIS has scheduled Plaintiffs’ asylum interview for January 14, 2025. USCIS
8 agrees to diligently work towards completing the adjudications within 120 days of the
9 interviews, absent unforeseen or exceptional circumstances that would require additional time for
10 adjudications. If the adjudications are not completed within that time, USCIS will provide a
11 status report to the Court. Plaintiffs will submit all supplemental documents and evidence, if
12 any, to USCIS seven to ten days prior to the interview date. Plaintiffs recognize that failure to
13 submit documents prior to the interview may require the interview to be rescheduled and the
14 adjudication delayed. If needed, Plaintiffs will bring an interpreter to the interview, otherwise
15 the interview will need to be rescheduled and the adjudication delayed. After the interview,
16 USCIS will need time to adjudicate Plaintiffs’ asylum application. Once the application is
17 adjudicated, Plaintiffs will dismiss the case with each party to bear their own litigation costs and
18 attorneys’ fees. Accordingly, the parties request this abeyance to allow USCIS to conduct
19 Plaintiffs’ asylum interview and then process their asylum applications.

20 As additional time is necessary for this to occur, the parties request that the Court hold
21 the case in abeyance until May 13, 2025. The parties will submit a joint status report on or
22 before May 13, 2025.

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1 DATED this 7th day of November, 2024.

2 Respectfully submitted,

3 TESSA M. GORMAN
4 United States Attorney

LAW OFFICES OF BART KLEIN

s/ Michelle R. Lambert

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Attorney for Plaintiffs

10 *Attorneys for Defendants*

11 *I certify that this memorandum contains 412*
12 *words, in compliance with the Local Civil Rules.*

ORDER

The case is held in abeyance until May 13, 2025. The parties shall submit a joint status report on or before May 13, 2025. It is so **ORDERED**.

DATED this 8th day of November, 2024.



BENJAMIN H. SETTLE
United States District Judge